

A-6082 (a & b) - Extension
(a) Variance & (b) Special Permit Requests

Extension of a previously approved appeal to:

(a) Relocate and construct front steps that extend a maximum of twelve feet, eight inches (12'-8") forward of the twenty-five (25) foot front building restriction line; and

(b) Relocate and install a lamp post along a relocated front walkway (in the Primrose Street public right-of-way). The proposed new lamp post would be located four-feet, nine and one-half inches (4'-9 1/2") from the public sidewalk.

Carissa S. Marino & Andrew C. Marino
11 Primrose Street

Note: As with previous extension requests, the initial appeal materials are not reproduced in the interest of saving paper. They are available through the Village web site or upon request. Only materials related to the extension request are reproduced herein.

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MARCH 18, 2013 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 3/13/2013

SUBJECT: HEARING OF APPEAL CASE NO. A-6082, (A) & (B) (EXTENSION REQUESTS)
MR. & MRS. ANDREW MARINO, 11 PRIMROSE STREET
(A) RELOCATE AND CONSTRUCT FRONT STEPS THAT EXTEND A MAXIMUM OF TWELVE FEET, EIGHT INCHES (12'-8") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT BUILDING RESTRICTION LINE; AND
(B) RELOCATE AND INSTALL A LAMP POST ALONG A RELOCATED FRONT WALKWAY (IN THE PRIMROSE STREET PUBLIC RIGHT-OF-WAY). THE PROPOSED LAMP POST WOULD BE LOCATED FOUR-FEET, NINE AND ONE-HALF INCHES (4'-9 ½") FROM THE PUBLIC SIDEWALK.

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code §8-12 (f) states:

Extension. The Board of Managers may extend any time limit imposed as a condition of a special permit or variance upon a reasonable showing that there has been no material change in circumstance since the special permit or variance was granted and, despite due diligence by the permittee, additional time is necessary to accomplish the approved construction.

FACTUAL AND BACKGROUND INFORMATION:

The Applicants were granted approvals on February 13, 2012, for the above referenced requests.

These decisions expired on February 13, 2013.

The Applicants state that there have been no material changes to the proposed work since the requests were approved.



Figure 1: View of 11 Primrose Street under construction.

The Applicants state that they anticipate needing an additional three (3) months to complete the work.

Applicable Appeal Fees (previously assessed): Building Permit Application for Construction in the Right-of-Way: \$50; Variance Application Fee: \$300.00; Special Permit Application Fee: \$300; License to Use the Public Right-of-Way: \$175.00; Tree Protection Plan: Previously Assessed. There is no additional fee for an extension request.

RELEVANT PRECEDENTS (EXTENSION):

On May 16, 2011, Mr. Bailey Adams of 5625 Grove Street was granted an extension of a previously approved variance to complete construction of a soffit.

FINDINGS OF FACT (REQUIRED TO EXTEND AN APPEAL APPROVAL):

A reasonable showing has been made that:

- 1) There has been no material change in circumstances since the request(s) was granted; and
 - 2) Despite due diligence by the permittee, additional time is necessary to accomplish the approved construction.
-

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance extension request in case A-6082(a), based on the findings that ...

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit extension request in case A-6082(b), based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 18th day of March, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6082 (a & b)-Extension
CARISSA S. MARINO AND ANDREW C. MARINO
11 PRIMROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance and special permit from the Board of Managers pursuant to Section 8-12 of the Chevy Chase Village Building Code for an extension of a previously approved appeal to:

- (a) Relocate and construct front steps that extend a maximum of twelve feet, eight inches (12'-8") forward of the twenty-five (25) foot front building restriction line; and
- (b) Relocate and install a lamp post along a relocated front walkway (in the Primrose Street public right-of-way). The proposed new lamp post would be located four-feet, nine and one-half inches (4'-9 1/2") from the public sidewalk.

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

The Chevy Chase Village Code § 8-31 (c) states:

Except as proved in Section 8-31 (b), no structures, play equipment fence, wall, tree, hedge or shrubbery, or any other growth shall be permitted on public property devoted to private use without a special permit from the Board of Managers.

The Chevy Chase Village Code §8-12 (f) states:

Extension. The Board of Managers may extend any time limit imposed as a condition of a special permit or variance upon a reasonable showing that there has been no material change in circumstance since the special permit or variance was granted and, despite due diligence by the permittee, additional time is necessary to accomplish the approved construction.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting property owners on the 7th day of March, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

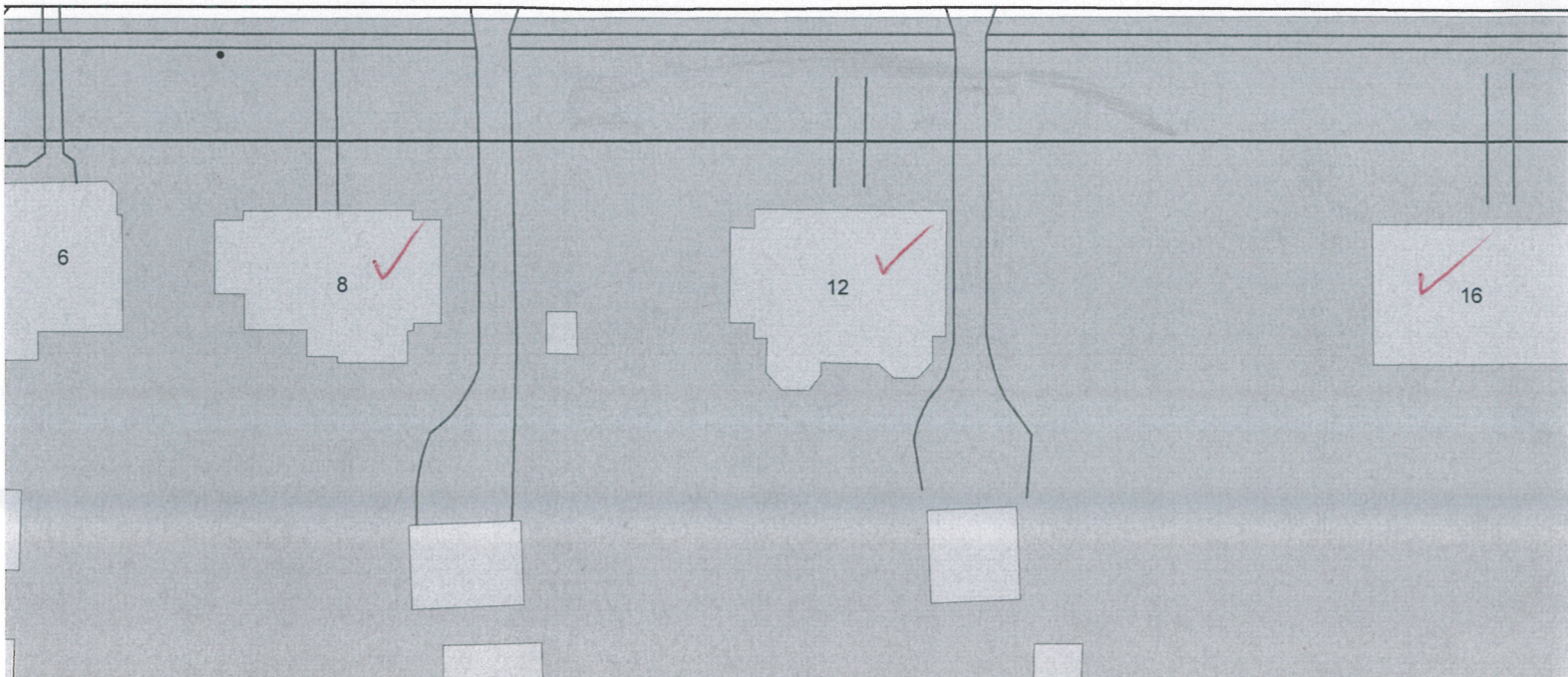
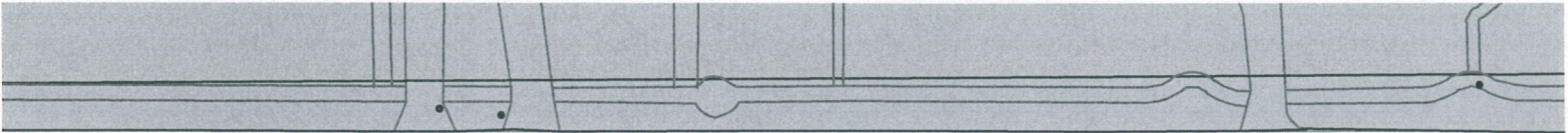
MAILING LIST FOR APPEAL A-6082 (A) & (B)-EXTENSION

MR. & MRS. ANDREW MARINO
11 PRIMROSE STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Patrick M. Regan Or Current Resident 6 Quincy Street Chevy Chase, MD 20815	Mr. & Mrs. Gael M. Delany Or Current Resident 8 Quincy Street Chevy Chase, MD 20815
Mr. & Mrs. Chancellor Patterson Or Current Resident 9 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. David Jones Or Current Resident 15 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. David Granger Or Current Resident 8 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Stewart W. Bainum, Jr. Or Current Resident 12 Primrose Street Chevy Chase, MD 20815
Ms. Deborah Jospin & Mr. Christopher Gallagher Or Current Resident 16 Primrose Street Chevy Chase, MD 20815	


I hereby certify that a public notice was mailed to the aforementioned property owners on the 7th day of March 2013.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815





March 7, 2013

Mr. & Mrs. Andrew Marino
11 Primrose Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Marino:

Please note that your request for an extension to your previously granted requests for a variance (to relocate the front steps) on your property and a special permit (to relocate the lamp post) in the right-of-way abutting your property are scheduled before the Board of Managers on Monday, March 18, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

**Chevy Chase Village
Special Permit or Variance
Extension Request**

Previously Granted Permit No: A-6082 arb

Property Address: <u>11 PRIMROSE STREET</u>	
Resident Name: <u>Carissa and Andrew Marino</u>	
Daytime telephone: <u>202-431-7744</u>	Cell phone: <u>202-431-7744</u>
After-hours telephone: <u>301-654-2926</u>	
E-mail:	
Project Description: <u>Relocate front steps to center of porch</u>	
Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor	
Information for Primary Contact for Project (if different from property owner):	
Name: <u>See above</u>	
Work telephone:	After-hours telephone:
Cell phone:	
E-mail: <u>carissamarino@me.com</u>	

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Special Permit or Variance Extension (this form).
- ☐ Copy of previous Special Permit or Variance application.
- ☐ Copy of previously granted Board Decision.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this extension request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: e. j. aremit

Date: 2/28/2013

Applicant's Signature: [Signature]

Date: 2/28/2013

Sec. 8-12(f) Extension: The Board of Managers may extend any time limit imposed as a condition of a special permit or variance upon a reasonable showing that there has been no material change in circumstance since the special permit or variance was granted and, despite due diligence by the permittee, additional time is necessary to accomplish the approved construction.

Has there been any material change in circumstance since the Special Permit or Variance was granted:

NO

Describe the basis for the extension request including specifically which elements of the project remain incomplete (attach additional pages as needed):

Work ongoing - Relocation of steps at end of project

Approximately how much additional time do you anticipate you will need to complete the remaining work?

3 months

To be completed by Village staff:

Date initial permit expires: 2/13/13

Date extension application filed with Village: 2/7/13

New Expiration date: _____

Approved to Issue per Board Decision approving Extension signed by the Board Secretary on: _____

Signed: _____
Village Manager